

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
(WESTERN DIVISION)**

IN RE MERCY HEALTH ERISA LITIGATION

No.: 1:16-cv-00441-SJD-SKB

District Court Judge Susan J. Dlott  
Magistrate Judge Stephanie K. Bowman

**JOINT MOTION TO STAY**

Plaintiffs David Lupp, Janet Whaley, Leslie Beidleman, Patricia Blockus, Charles Bork, Marilyn Gagne, Karl Mauger, Patricia Mauger, Beth Zaworski, Nancy Zink, Mary Alban, and Linda Derrick (“Plaintiffs”), and Defendants Mercy Health, the Mercy Health Retirement Plan Committee, and Members of the Mercy Health Retirement Plan Committee (“Defendants”) (collectively, the “Parties”) jointly move this Court for an Order staying all proceedings in this action for a period of ninety (90) days. All Parties agree and jointly move this Court for an Order in the form proposed, which is attached for the Court’s convenience.

Dated: January 31, 2018

Respectfully submitted,

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**MEMORANDUM IN SUPPORT**

On August 24, 2017, this Court granted the Parties' Joint Motion to Amend Deadlines for Plaintiffs' Amended Complaint and the Motion to Dismiss Briefing Schedule. (Dkt. No. 65.) In accordance with the Court's Order, Plaintiffs filed their Amended Complaint on September 14, 2017 (Dkt. No. 66); Defendants filed their Motions to Dismiss on November 13, 2017 (Dkt. Nos. 69-70); and Plaintiffs' filed their Oppositions on January 12, 2018 (Dkt. Nos. 72-73). Defendants' Reply Briefs in support of the Motions to Dismiss are currently due February 16, 2018.

The Parties have conferred and scheduled a mediation on February 27, 2018 in Chicago, Illinois before Robert A. Meyer, Esq. To facilitate the mediation, the Parties now respectfully jointly move the Court for a ninety-day stay of all proceedings so that they may engage in mediation. If the mediation fails, Defendants' Reply Briefs in support of the Motions to Dismiss would be due on May 17, 2018. A [Proposed] Order is submitted contemporaneously herewith for the Court's consideration and convenience.

Dated: January 31, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2018, a true and correct copy of the foregoing document was filed with the Court utilizing its ECF system, which will send notice of such filing to all counsel of record.

/s/ Howard Shapiro

Howard Shapiro